

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DEVIN LEE MOELLENBERNDT,

Plaintiff,

vs.

MOHAMMED NESSAIEF, RODRIGUEZ
EMILIO, and SCOTT FRAKES, Director of
Department of Corrections;

Defendants.

4:22CV3178

MEMORANDUM AND ORDER

This matter is before the Court on its own motion. Plaintiff filed a Complaint, [Filing No. 1](#), on August 25, 2022. However, Plaintiff failed to include the \$402.00 filing and administrative fees. Plaintiff has the choice of either submitting the \$402.00 filing and administrative fees to the Clerk's office or submitting a request to proceed in forma pauperis ("IFP").¹ Failure to take either action within 30 days will result in the Court dismissing this case without further notice to Plaintiff.

IT IS THEREFORE ORDERED that:

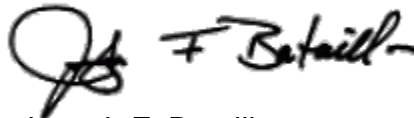
1. Plaintiff is directed to submit the \$402.00 fees to the Clerk's office or submit a request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.
2. The Clerk of the Court is directed to send to Plaintiff the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit").

¹ If Plaintiff is granted leave to proceed IFP in this matter, he will be allowed to pay the Court's \$350 filing fee in installments. See [28 U.S.C. § 1915\(b\)\(1\)](#); *In re Tyler*, 110 F.3d 528, 529–30 (8th Cir. 1997). He would not be subject to the \$52.00 administrative fee assessed to non-IFP plaintiffs.

3. The Clerk of the Court is directed to set a pro se case management deadline in this matter with the following text: **September 29, 2022**: Check for MIFP or payment.

Dated this 30th day of August, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon". The signature is stylized with a large initial "J" and a long horizontal stroke extending to the right.

Joseph F. Bataillon
Senior United States District Judge